

## Message Text

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71

ACTION DPW-01

INFO OCT-01 AF-10 ARA-16 EA-11 EUR-25 NEA-10 RSC-01 IO-14

ISO-00 OIC-04 CIAE-00 PM-07 H-03 INR-10 L-03 NSAE-00

NSC-10 PA-04 PRS-01 SPC-03 SS-20 USIA-15 SAM-01

ABMC-01 ACDA-19 DRC-01 /191 W

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R 011750Z MAR 74

FM USMISSION GENEVA

TO SECSTATE WASHDC 4369

SECDEF WASHDC

INFO AMEMBASSY SAIGON

AMEMBASSY BONN

AMEMBASSY CANBERRA

AMEMBASSY LONDON

AMEMBASSY OTTAWA

AMEMBASSY PARIS

AMEMBASSY ROME

AMEMBASSY WELLINGTON

C O N F I D E N T I A L GENEVA 1371

FOR: STATE D/PW-SIEVERTS

DOD OSD/ISA-SHIELDS

E.O. 11652: GDS

TAGS: PARM, ICRC

SUBJECT: LAW OF WAR CONFERENCE: US PROPOSAL FOR NEW  
ARTICLE ON MISSING AND DEAD

REF: (A) GENEVA 1256 (B) GENEVA 1307 (NOTAL)

1. AT WEO WORKING GROUP SESSION 28 FEB FRG SUBMITTED  
PROPOSED AMENDMENT TO NEW MISSING AND DEAD (ARTICLE  
18 BIS). FRG PROPOSAL WOULD ADD FOLLOWING TO PARA 4.

"IF THE REMAINS OF DEAD PERSONS ARE NOT RETURNED  
AS PROVIDED IN PARA 3, THE HIGH CONTRACTING PARTY WHO  
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CONTROLS THE TERRITORY WHERE THE GRAVES ARE SITUATED

SHALL MAINTAIN THEM IN A DECENT CONDITION AND PROTECT THEM AGAINST DISTURBANCE. WHENEVER POSSIBLE, THESE GRAVES SHALL BE ACCESSIBLE TO CLOSE RELATIVES OF THE DECEASED AND/OR TO CHARITABLE INSTITUTIONS DEDICATED TO THE MAINTENANCE OF WAR GRAVES. THE PARTIES CONCERNED SHALL CONCLUDE AGREEMENTS RELATING TO THE MAINTENANCE OF AND ACCESS TO WAR GRAVES."

2. AFTER UK EXPLANATION OF ITS INTEREST AS OUTLINED IN REF (A), US DELEGATION EXPLAINED THAT WE ARE NOT PREPARED TO CONCUR PENDING INSTRUCTIONS FROM WASHINGTON.

3. IN ENSUING SMALL GROUP DISCUSSIONS ITALIAN DELEGATE EXPRESSED GENERAL AGREEMENT WITH FRG AND UK PROPOSAL. ITALY, HOWEVER, WISHES TO PROPOSE THAT STATE WHICH CONTROLS TERRITORY WHERE GRAVES ARE LOCATED SHOULD BE RELIEVED OF OBLIGATION TO MAINTAIN GRAVES IF STATE UPON WHOM DECEASED DEPENDS HAS NOT ACCEPTED OFFER TO REPATRIATE REMAINS OR HAS NOT AGREED TO CONTRIBUTE COST OF MAINTENANCE. ITALIAN DELEGATE EXPLAINED THAT IT HAS BEEN UNSUCCESSFUL IN EFFORTS TO MAKE SATISFACTORY ARRANGEMENTS FOR GRAVE MAINTENANCE OR REPATRIATION CONCERNING 140,000 AUSTRIAN AND YUGOSLAV WAR DEAD BURIED IN ITALY.

4. TO ACCOMMODATE ITALIAN CONCERN A PROPOSAL IS BEING FORMULATED WHICH WOULD IMPOSE COST OF PROTECTING AND MAINTAINING GRAVES ON STATE UPON WHICH DECEASED DEPENDED WHERE THAT STATE, IN THE ABSENCE OF BILATERAL AGREEMENT, HAS NOT ACCEPTED OFFER TO FACILITATE RETURN OF REMAINS AND PERSONAL EFFECTS.

5. IT IS BECOMING INCREASINGLY EVIDENT THAT OTHER WEO DELEGATIONS ARE MORE INTERESTED IN MAINTENANCE AND ACCESS TO GRAVE SITES THAN THEY ARE IN REPATRIATION OF REMAINS.

6. REQUEST VIEWS OF US BATTLE MONUMENTS COMMISSION.  
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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
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**Concepts:** LAW, WAR, HUMAN RIGHTS, FOREIGN POLICY POSITION  
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**Disposition Approved on Date:**  
**Disposition Authority:** garlanwa  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
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**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** LAW OF WAR CONFERENCE: US PROPOSAL FOR NEW ARTICLE ON MISSING AND DEAD  
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**To:** STATE  
**Type:** TE  
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